

REMARKS

In the Office Action mailed February 9, 2007 (hereinafter, "Office Action"), the Examiner rejected claims 26-33 and 60-66 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,330,544 to Walker et al. (hereinafter, "*Walker*"); and rejected claims 1-10, 34-43, and 72-78 under 35 U.S.C. § 103(a) as being unpatentable over *Walker*.

By this supplemental response, Applicants hereby add new claims 85-123. Support for claims 85-123 can be found in the specification at, for example, pages 28-50 and Figures 3A, 3B, 5A, and 5B. No new matter has been added. Accordingly, claims 1-10, 26-43, 60-66, 72-78, and 85-123 are currently pending.

Based on the following arguments, Applicants respectfully traverse the Examiner's rejections under 35 U.S.C. §§ 102(e) and 103(a), and request allowance of pending claims 1-10, 26-43, 60-66, 72-78, and 85-123.

I. Rejection Under 35 U.S.C. § 102(e)

Applicants respectfully traverse the rejection of claims 26-33 and 60-66 under 35 U.S.C. § 102(e) as being anticipated by *Walker*. A proper anticipation rejection requires that "each and every element set forth in the claim be found, either expressly or inherently described, in a single prior art reference." *M.P.E.P.* § 2131. Applicants respectfully submit that *Walker* fails to disclose all of the subject matter recited in each of independent claims 26 and 60.

Walker fails to disclose, *inter alia*, "adding at least one extra credit line to the customer's credit card," as recited in independent claim 26. Instead, *Walker* discloses a

system and process for forced “redemption vouchers such as gift certificates that may be issued and used in conjunction with credit cards.” *Walker*, col. 1, ll. 19-21. In *Walker*, “the term ‘redemption voucher’ means a printed item or other object having an inherent value derived from an underlying account accessible through a credit card clearing system.” *Id.* at col. 6, ll. 55-58. “In one embodiment, the redemption voucher identifier is an alias number or identifier that corresponds and links or maps to credit card holder 104’s account number.” *Id.* at col. 8, ll. 22-24. In other words, *Walker* teaches a single credit card account, having only one credit line, that may be used to fund a redemption voucher. *Walker* does not teach “adding at least one extra credit line to the customer’s credit card,” as recited in independent claim 26.

Moreover, the Examiner attempts to overcome the failure of *Walker* to teach “adding at least one extra credit line to the customer’s credit card,” by asserting that “the redemption voucher is equivalent to an extra credit line in the claimed invention.” Office Action, page 3. However, such an interpretation is not consistent with the definition of the claim terms, and the Examiner’s interpretation of the claim language is unreasonable. A redemption voucher is simply not the same as a line of credit.

Although the Examiner is entitled to interpret the claims terms broadly, such interpretation cannot be unreasonable. Indeed, *M.P.E.P.* § 2111 indicates that “pending claims must be given their broadest reasonable interpretation consistent with the specification.” While the Examiner may not be required to “interpret claims in applications in the same manner as a court would interpret claims in an infringement suit,” the Examiner is required to apply “to verbiage of the proposed claims the broadest reasonable meaning of the words in their ordinary usage as they would be understood

by one of ordinary skill in the art, taking into account whatever enlightenment by way of definitions or otherwise that may be afforded by the written description contained in applicant's specification." *M.P.E.P.* § 2111. Accordingly, the broadest reasonable interpretation of the "at least one extra line of credit," as recited in the pending claims, must be consistent with the interpretation of the phrases that those skilled in the art would reach. *See Id.*

Here, as noted above, the Examiner incorrectly asserts "that the redemption voucher is equivalent to an extra credit line in the claimed invention." Office Action, page 3. This assertion is not consistent with the interpretation of the terms as is known in the art and in the context of Applicant's specification. Ignoring reasonable interpretations of claim terms, in the context of not only the specification but also the known meaning in the art, violates at least the policies governed by the *M.P.E.P.* and fails to support the rejection of claim 26 in view of the cited art.

For at least the above-outlined reasons, *Walker* fails to teach all of the subject matter recited in Applicants' independent claim 26. Therefore, Applicants respectfully request reconsideration and withdrawal of the rejection under 35 U.S.C. § 102(e), and allowance of independent claim 26. In addition, Applicants respectfully request reconsideration and withdrawal of the rejection under 35 U.S.C. § 102(e), and allowance of claims 27-33, which depend from independent claim 26.

Independent claim 60 recites elements similar to that of independent claim 26, and is allowable for at least the same reasons. Therefore, Applicants respectfully request reconsideration and withdrawal of the rejection under 35 U.S.C. § 102(e), and allowance of independent claim 60. In addition, Applicants respectfully request

reconsideration and withdrawal of the rejection under 35 U.S.C. § 102(e), and allowance of claims 61-66, which depend from independent claim 60.

II. Rejection Under 35 U.S.C. § 103(a)

Applicants respectfully traverse the rejection of claims 1-10, 34-43, and 72-78 under 35 U.S.C. §103(a) as being obvious over *Walker*. To establish a *prima facie* case of obviousness, the prior art reference (or references when combined) must teach or suggest all the claim limitations. See M.P.E.P. § 2142, 8th Ed., Rev. 5 (August 2006). Moreover, “in formulating a rejection under 35 U.S.C. § 103(a) based upon a combination of prior art elements, it remains necessary to identify the reason why a person of ordinary skill in the art would have combined the prior art elements in the manner claimed.” USPTO Memorandum from Margaret A. Focarino, Deputy Commissioner for Patent Operations, May 3, 2007, page 2. A *prima facie* case of obviousness has not been established because, among other things, neither *Walker* nor any obvious variant thereof, teaches or suggests each and every element of Applicants’ claims.

Walker fails to teach or suggest, *inter alia*, “presenting an offer for an extra credit line to each customer in [a] target customer group,” as recited in independent claim 1. As discussed above in connection with independent claim 26, *Walker* teaches a single credit card account having only one credit line that may be used to fund redemption vouchers. In *Walker*, “the term ‘redemption voucher’ means a printed item or other object having an inherent value derived from an underlying account accessible through a credit card clearing system.” *Walker*, col. 6, ll. 55-58 (emphasis added). Thus,

Walker does teach or suggest “presenting an offer for an extra credit line to each customer in [a] target customer group,” as recited in independent claim 1.

Moreover, as also discussed above in connection with independent claim 26, the Examiner incorrectly asserts “that the redemption voucher is equivalent to an extra credit line in the claimed invention.” Office Action, page 5. Again, this assertion is not consistent with the interpretation of the terms as is known in the art and in the context of Applicant’s specification. Ignoring reasonable interpretations of claim terms, in the context of not only the specification but also the known meaning in the art, violates at least the policies governed by the *M.P.E.P.* and fails to support the rejection of claim 1 in view of the cited art.

For at least the above-outlined reasons, neither *Walker*, nor any obvious variant thereof, teaches or suggests all the elements of claim 1. Therefore, Applicants respectfully request reconsideration and withdrawal of the rejection under 35 U.S.C. § 103(a), and allowance of independent claim 1. In addition, Applicants respectfully request reconsideration and withdrawal of the rejection under 35 U.S.C. § 103(a), and allowance of claims 2-10, which depend from independent claim 1.

Independent claims 34 and 72 recite elements similar to that of independent claim 1, and are allowable for at least the same reasons. For example, independent claim 34 recites, *inter alia*, “presenting an offer for an extra credit line to each customer in [a] target customer group,” and independent claim 72 recites, *inter alia*, “means for presenting an offer for an extra credit line to each customer in [a] target customer group.” For at least the same reasons as discussed above in connection with independent claim 1, Applicants respectfully request reconsideration and withdrawal of

the rejection under 35 U.S.C. § 103(a), and allowance of independent claims 34 and 72.

In addition, Applicants respectfully request reconsideration and withdrawal of the rejection under 35 U.S.C. § 103(a), and allowance of claims 35-43 and 73-78, which respectively depend from independent claims 34 and 72.

III. New Claims 85-123

Applicants respectfully assert that new claims 85-123 are allowable because the cited art fails to teach or suggest, the recitations of independent claims 85, 98, and 111.

For example, neither *Walker* nor any reasonable variation thereof, teach or suggest:

providing a consumer with the financial account having a first account component and a second account component, wherein the first and second account components have respective first and second account parameters associated with purchase transactions made by the consumer using the financial account;

allowing the consumer to select a vendor to be associated with the first account component;

processing purchase transactions with the selected vendor based on the first account parameter; and

processing purchase transactions with other vendors based on the second account parameter.

as recited in Applicants' new independent claim 85.

Therefore, Applicants respectfully submit that independent claim 85 is allowable over the cited art, and request allowance of independent claim 85. In addition, claims 86-97 depend from independent claim 85, and are allowable at least for the same reasons as set forth in connection with claim 85.

Independent claims 98 and 111 include recitations similar to those of independent claim 85, and are allowable for at least the same reasons. Accordingly,

Applicants respectfully request allowance of independent claims 98 and 111. Claims 99-110 and 112-123 depend from independent claims 98 and 111, respectively, and are allowable at least for the same reasons as set forth in connection with claims 98 and 111.

IV. Conclusion

The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statements are identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.


In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

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